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6 Attorneys for Plaintiffs Stephanie Allen and
Rosetta Stone Ltd.
7

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10
11 STEPHANIE ALLEN, an Individual, and
12 ROSETTA STONE, LTD., a Virginia
Corporation,

13 Plaintiffs,

14 v.

15 OE SERVICES, LLC d/b/a OPEN ENGLISH
16 LLC, a Florida Limited Liability Company,
and DOES 1-50, inclusive,

17 Defendants.
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Case No. 13-CV-02460-RS

**JOINT STIPULATION AND ~~(PROPOSED)~~
ORDER TO CONTINUE DATES
AS MODIFIED BY THE COURT**

Ctrm.: 3, 17th Floor

The Hon. Richard Seeborg

Trial Date: None Set

1 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

2 Plaintiffs Stephanie Allen and Rosetta Stone Ltd. ("Plaintiffs") and defendant OE Services,
3 LLC ("Defendant"), by and through their respective counsel of record, hereby agree and stipulate
4 follows:

5 1. On May 31, 2013, Defendant removed this lawsuit from the Superior Court.
6 (Docket No. 1.)

7 2. As shown in the parties' November 12, 2013 Joint Case Management Statement,
8 there are two related cases pending: (1) *Wilson et al. v. OE Services, LLC, et al.*, San Francisco
9 Superior Court, Case No. CGC-13-529395; and (2) *OE Services, LLC v. Wilson et al.*, Circuit
10 Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Case No. 13-04474 CA-15.
11 (Docket No. 33.)

12 3. On March 11, 2014, parties notified the Court that they had reached a tentative
13 global resolution of their disputes and were working on a settlement agreement that would dispose
14 of this lawsuit. (Docket No. 39.)

15 4. That same day the Court issued a Standby Order of Dismissal, which set May 5,
16 2014 as the deadline by which the parties were to submit a stipulation of dismissal. (Docket
17 No. 40.) Absent a stipulated dismissal, the parties were to appear for an Order to Show Cause
18 hearing on May 8, 2014. (*Id.*)

19 5. The parties hereby report that they have reached a global resolution of their
20 disputes. A settlement agreement has been drafted, agreed upon, and is currently in the process of
21 being signed by all parties and their respective counsel.

22 6. The parties are unable to submit a stipulation of dismissal by today's May 5, 2014
23 deadline as the settlement agreement still requires three additional signatures (out of the seven
24 total) to effectuate the agreement. The parties anticipate being able to submit a stipulation of
25 dismissal in the near future.

26 7. Consequently, for the mutual benefit of the parties and for purposes of judicial
27 economy, the parties respectfully request that the deadline to submit a stipulation of dismissal and
28

1 the Order to Show Cause hearing be continued to allow the parties additional time to effectuate the
2 agreement before seeking a stipulated dismissal.

3 NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

4 1. The parties' deadline to submit to a stipulation of dismissal should be continued
5 from May 5, 2014 to June 2, 2014, and the Order to Show Cause hearing should be continued
6 from May 8, 2014 to June 5, 2014.

7 **IT IS SO STIPULATED**

8 Dated: May 5, 2014

MCKENNA LONG & ALDRIDGE LLP

9
10 By: James S. McNeill

11 James S. McNeill
12 Attorneys for Plaintiffs
Stephanie Allen and ROSETTA STONE
LTD.

13 Dated: May 5, 2014

GREENBERG TRAURIG, LLP

14
15 By: _____

16 Michael D. Lane
17 Attorneys for Defendant
18 OE SERVICES, LLC d/b/a OPEN
ENGLISH, LLC

19 **[PROPOSED] ORDER**

20 The Court, having reviewed the Stipulation of the parties and finding good cause,
21 hereby ORDERS as follows:

22 1. The parties' deadline to submit to a stipulation of dismissal should be continued
23 from May 5, 2014 to June 2, 2014, and the Order to Show Cause hearing should be continued
24 from May 8, 2014 to June 5, 2014.

25 **IT IS SO ORDERED.**

26
27 Dated: _____, 2014

28 _____
The Honorable Richard Seeborg

1 NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

2 1. The parties' deadline to submit to a stipulation of dismissal should be continued
3 from May 5, 2014 to June 2, 2014, and the Order to Show Cause hearing should be continued
4 from May 8, 2014 to June 5, 2014.

5 **IT IS SO STIPULATED**

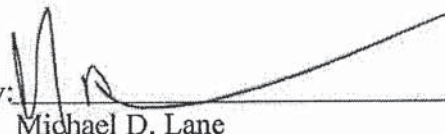
6 Dated: May 5, 2014

MCKENNA LONG & ALDRIDGE LLP

7
8 By: _____
James S. McNeill
9 Attorneys for Plaintiffs
Stephanie Allen and ROSETTA STONE
10 LTD.

11 Dated: May 5, 2014

GREENBERG TRAURIG, LLP

12
13 By:  _____
14 Michael D. Lane
Attorneys for Defendant
15 OE SERVICES, LLC d/b/a OPEN
16 ENGLISH, LLC

17 **[PROPOSED] ORDER**

18 The Court, having reviewed the Stipulation of the parties and finding good cause,
19 hereby ORDERS as follows:

20 1. The parties' deadline to submit to a stipulation of dismissal should be continued
21 from May 5, 2014 to June 2, 2014, and the Order to Show Cause hearing should be continued
22 from May 8, 2014 to ^{June 12,} ~~June 5,~~ 2014.

23 **IT IS SO ORDERED.**

24
25 Dated: 5/6, 2014


26 The Honorable Richard Seeborg